

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

<b>JAMES R. BARNES and wife, DOROTHY G.</b>	)	<b>File No. 5:98-CV-92</b>
<b>BARNES, <i>et al.</i>,</b>	)	
	)	
<b>This document pertains to:</b>	)	
<b>CURTIS H. CUTHBERTSON,</b>	)	
<b>Administrator of the Estate of HOY V.</b>	)	
<b>CUTHBERTSON, deceased,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>ACandS, INC., et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

**THIS MATTER** is before the Court upon motion by Plaintiff Curtis H. Cuthbertson, Administrator of the Estate of Hoy V. Cuthbertson, deceased, and Defendant A.W. Chesterton Company to dismiss, without prejudice, all claims of said Plaintiff against Defendant Chesterton.

It appearing that the parties are in agreement to dismiss this action,

**IT IS THEREFORE ORDERED, ADJUDGED, and DECREED** that the joint motion to dismiss is **ALLOWED**, and the claims of Plaintiff Curtis H. Cuthbertson, Administrator of the Estate of Hoy V. Cuthbertson, deceased, against Defendant A.W. Chesterton Company are hereby **DISMISSED WITHOUT PREJUDICE**.

Signed: March 22, 2007

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

